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Montana. Division
of Workers'
Compensation.
Insurance
Compliance Bureau
Benefits for
injured workers

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BENEFITS FOR INJURED WORKERS

PAM 6 (Rev. 10/87)

PLEASE RETURN



GENERAL INFORMATION

WHAT IS WORKERS' COMPENSATION?

A no-fault workers' compensation law has been in effect in Montana since 1915. It provides benefits to almost all workers in the state who are injured on the job. Benefits are extended for only those injuries that occur during the course of employment. Neither general liability nor health and accident policies are substitutes for workers' compensation insurance.

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WHO'S COVERED?

All Montana employments regardless of age or the number of hours worked are covered except household and domestic, casual, some volunteers, and those employees working for aid and sustenance. Coverage is not required on members of an employer's immediate family if they are dwelling with the employer. Sole proprietors and business partners are also exempt. Corporate officers are generally covered but may apply for exemption. Officials or judges at school amateur athletic events may also be exempted as well as real estate brokers and salesmen, sellers of consumer products used primarily in the home, and under certain circumstances news carriers and free lance correspondents. Federal and railroad employees are covered by the Federal Act. Your employer may obtain coverage for these exempted employments by contacting his insurance carrier.

WHAT'S COVERED?

All injuries caused by your job are covered, minor as well as serious, even first aid type injuries. Disease is also covered if it is caused by your employment. If you are not sure, ask your employer's insurance company representative.

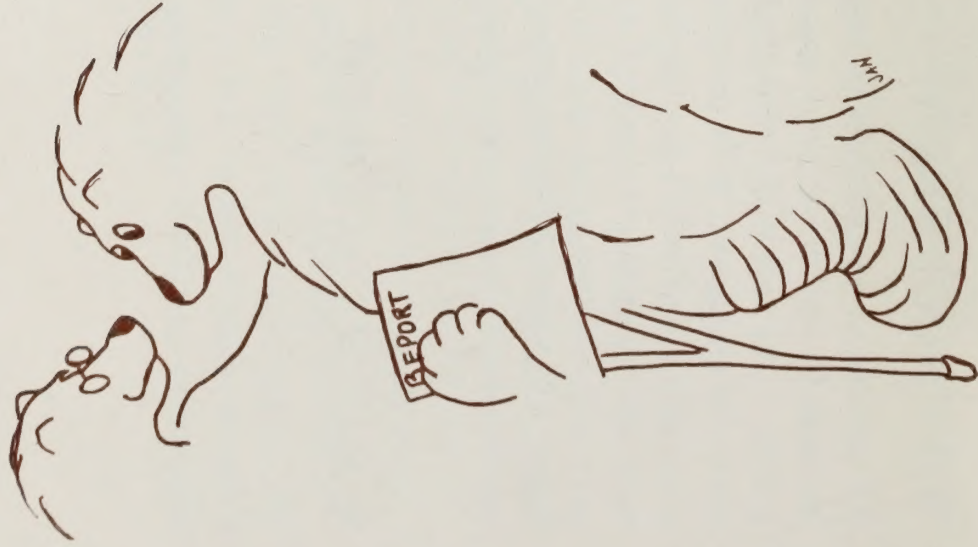
REPORTING REQUIREMENTS

WHAT DO I HAVE TO DO?

Report all on-the-job injuries to your employer immediately, even if you don't feel it is necessary to see a doctor. **DON'T DELAY.** A seemingly unimportant accident could be the cause of a future serious condition. Accidents must be reported to your employer within thirty (30) days of the incident, and a claim for compensation must be submitted within 12 months from the date of injury. If you need medical attention, report to a doctor or your employer's aid station promptly for treatment. Your employer has six (6) days to notify the insurer after you have reported the injury.

If you lose days from work, or suspect you may, because of the accident, submit a claim for compensation. A form is provided on the bottom of your Employer's First Report. You may submit a separate claim if you wish. Request a form from your employer or send in the card attached to this publication.

All reporting forms are provided free of charge by the Division of Workers' Compensation. You may also pick one up at your local Job Service Office.



MEDICAL/DEATH BENEFITS

WHAT MEDICAL BENEFITS ARE PROVIDED?

Your employer's insurer must furnish, without limitation of time or dollar amount, reasonable doctor, hospital, medical services, prescription drugs, and other treatments required because of a work related injury. Medical fees and hospital costs are paid according to a maximum schedule established by the Division. Once an insurer accepts liability, you are not responsible for medical costs associated with the injury.

You may select your own treating physician, but you must receive permission from your employer's insurer before you change treating doctors. Any physician licensed to practice medicine in Montana may provide service. Unless it is an emergency, your treating physician must obtain the consent of the insurer before you can be referred to a specialist.

WHAT ARE THE BENEFITS IN CASE THE INJURY CAUSES DEATH?

If an industrial injury causes death, your spouse and unmarried children, are collectively entitled to weekly compensation of two-thirds ($\frac{2}{3}$) the wages you earned at the time of the accident up to the specified maximum. The rate cannot exceed actual wages received at the time of death. Your spouse is eligible for 500 weekly benefit payments unless s/he remarries at which time benefits cease. Unmarried children receive benefits until age 18 or age 22 if attending an accredited school or enrolled in an accredited apprenticeship program. If you leave no spouse or unmarried children, then your dependent parents, brothers, or sisters may be eligible for weekly benefits. If there are no dependent beneficiaries, the insurer will pay \$3,000 to your surviving parents. The insurer will also pay up to \$1,400 for burial expense.



WAGE LOSS COMPENSATION

WHAT HAPPENS IF I CAN'T RETURN TO WORK BECAUSE OF THE JOB-RELATED INJURY?

If you are off work and lose wages for more than six (6) working days, your employer's insurance company will pay you, from the seventh day of the injury, two thirds ($\frac{2}{3}$) of your average actual earnings for the four pay periods immediately preceding the accident up to the specified maximum. If you worked less than the four pay periods for an employer when the accident occurred, your rate will be based on $\frac{2}{3}$ of the hourly rate times the number of hours which you were expected to work. The insurer may use additional pay periods if your employment history for the last four periods does not reflect your average earnings.

Benefits will be paid every two weeks until you are no longer temporarily disabled. If, in addition, you receive Social Security Disability payments, your insurer may reduce your wage compensation benefits by one-half of the amount of your original Social Security benefit for as long as you receive those payments.



WHAT HAPPENS IF I AM PARTIALLY DISABLED BECAUSE OF THE INJURY?

When your injury is healed as far as possible, you may be eligible for wage supplement benefits if you lose wages because of the injury. These benefits are two-thirds ($\frac{2}{3}$) of the amount you are losing up to $\frac{1}{2}$ the specified maximum. In this case, compensation will be paid during the disability period but not for more than 500 weeks.

If your injury results in a physical impairment, you are eligible to receive additional benefits of 5 times $\frac{2}{3}$ of your average weekly earnings at the time of the injury for each 1% of impairment. Total wage supplement and impairment payments cannot exceed 500 weeks.

WHAT IF I CAN NO LONGER WORK BECAUSE OF THE INJURY?

If the injury causes a permanent disability so you can no longer earn a living, you may be entitled to receive two-thirds of your average weekly earnings at the time of the injury up to the specified maximum. This benefit continues until you are able to retire, return to regular employment, or eligible to receive Social Security retirement benefits.

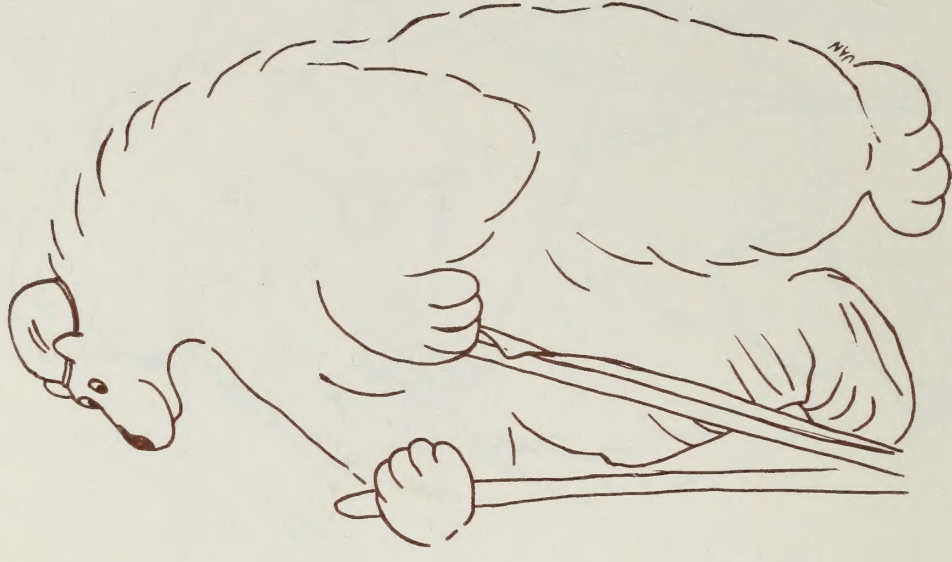
REHABILITATION BENEFITS

WILL THE WORKERS' COMP INSURER RETRAIN AND HELP ME FIND WORK SHOULD IT BE NEEDED BECAUSE OF THE INJURY?

It is the objective of the workers' compensation system to return you to work as soon as possible. The goal of rehabilitation is to place you in the first appropriate option among the following — same job, modified job, related job, job training, short-term training, long-term training, or self-employment. While you are participating in a rehabilitation program, the following benefits may be available.

Total Rehabilitation Benefits

An average of $\frac{2}{3}$ of your actual earnings for the four pay periods immediately preceding the accident up to the specified maximum is paid during the evaluation period not to exceed 26 weeks. The Division may extend the 26-week limitation for good cause. Payments begin after you reach maximum healing and the insurer designates a rehabilitation provider; and payments terminate when you return to work, are qualified to return to work, or the Division approves your rehabilitation or retraining program.



Partial Rehabilitation Benefits

These benefits are paid in combination with wage supplement benefits during the time you are participating in an approved retraining program. These, combined with your wage-supplement benefit, will equal the same total benefit payment as when you were temporarily disabled.

Auxiliary Rehabilitation Benefits

The insurer may pay you reasonable travel and relocation expenses to assist your return to work, including job search, on-the-job training, etc. These benefits are limited to \$4,000.

Supplemental Rehabilitation Benefits

These benefits are in addition to partial rehabilitation benefits and available if cooperating and progressing in an approved rehab program. Combined with partial benefits, the total equals your maximum rate. However, an insurer may terminate payments for not cooperating.

OCCUPATIONAL DISEASE BENEFITS

AM I COVERED IF I BECOME ILL OR AM STRICKEN WITH A DISEASE BECAUSE OF MY EMPLOYMENT?

If you contract any disease that arises out of or from your employment, you are covered under the provisions of the Occupational Disease Act. However, the disease must have a direct connection with the conditions under which you work and be a result of the exposure you experienced because of your employment. The disease must be traceable to your employment and cannot have come from a hazard to which you may be equally exposed outside of your job. A disease includes harm or damage to the body occurring in the course and scope of your employment which developed over more than a single day or work shift.

HOW DO I APPLY?

You may apply for Occupational Disease benefits by using the same form as you would for an Industrial Injury. Be sure you describe in detail the circumstances under which you became ill.

HOW LONG DO I HAVE TO FILE A CLAIM?

You must file a claim for benefits within two years of the date you knew, or should have known, of your occupational disease.



SETTLEMENTS & ADVANCES

IS IT POSSIBLE TO CONVERT BI-WEEKLY BENEFIT PAYMENTS INTO A LUMP SUM?

Settlements

Lump sum conversions of wage compensation benefits are allowed under certain circumstances. If an insurer disputes liability for an injury, the Division must approve any compromise agreement reached between you and the insurer to settle the issue for a given amount. If there is no dispute and both parties can agree, wage compensation benefits may be converted to a lump sum with Division approval. However, failure to reach an agreement in either situation is not subject to court action.

Advances

Funds may be advanced against future bi-weekly wage compensation payments if you and the insurer can agree and the Division approves. Failure to reach an agreement if you are partially disabled may not be litigated.

If you are permanently disabled, the advance may not exceed \$20,000. Disputes may be heard by a mediator and subsequently litigated before the Workers' Compensation Court. Advances awarded may be discounted and recovered over the duration of the compensation period.

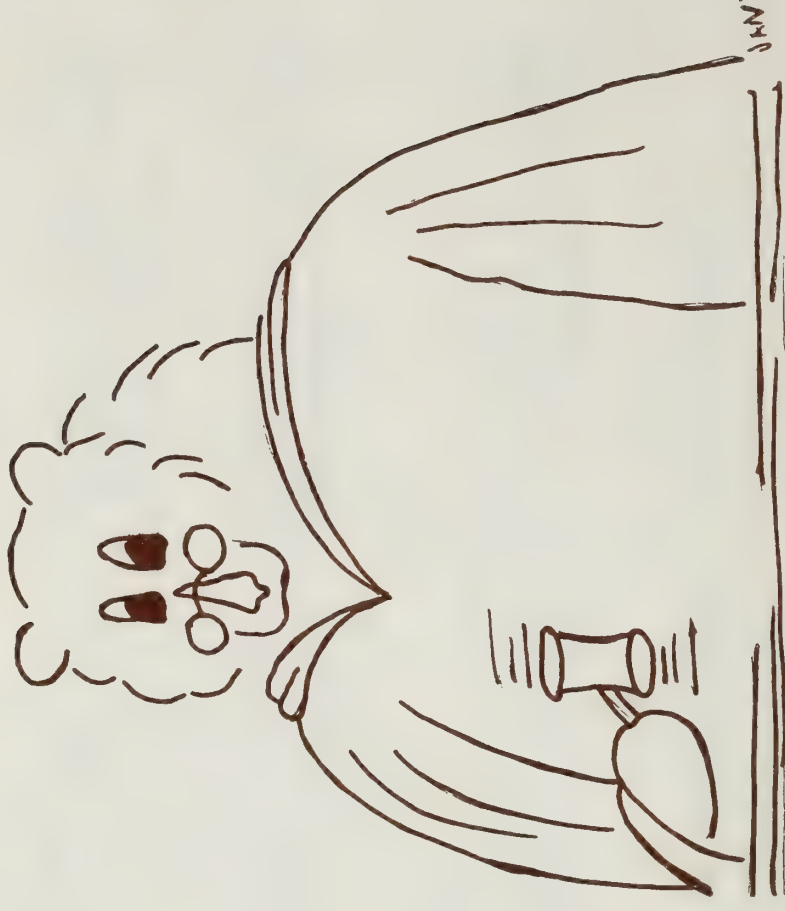


RIGHTS & REMEDIES

WHAT CAN I DO IF I DON'T AGREE WITH A DECISION MADE BY AN INSURER OR THE DIVISION?

If you disagree with a decision made by the Division, an insurance company, or its agent, you may pursue further consideration as follows:

Administrative Remedies — As an injured worker, it may be necessary for the insurer to have you examined to determine an impairment rating, to determine if your illness is covered by the Occupational Disease Act, or establish your rehabilitation program. If you wish to contest a determination involving any of these areas, you have a right to appeal. This process is designed to enable you to express your concerns without the need for legal representation. Contact the Division for details.



Mediation — The purpose of mediation is to find an equitable and reasonable solution to workers' compensation issues without the need for action by the Workers' Compensation Court. Although mandatory, the mediation process is not binding on either party or the court. Mediations are handled by the Employment Relation Division of the Montana Department of Labor & Industry.

Workers' Compensation Court — An appeal court for final decisions made by the Workers' Compensation Division or the mediation process. This court follows formal rules of procedure and evidence. If you find it necessary to present your case to the court, you are well advised to be represented by legal counsel. Appeals from this court go directly to the Montana Supreme Court.



UNINSURED EMPLOYERS

WHAT CAN I DO IF MY EMPLOYER NEGLECTED TO BUY WORKERS COMPENSATION INSURANCE?

Your employer is required by Montana law to provide workers' compensation coverage on all the firm's employees. All employments must be covered, except those mentioned in the GENERAL INFORMATION SECTION. Employers failing to obtain coverage may be guilty of employer misconduct. If convicted of avoiding responsibility to provide coverage, misrepresenting or falsifying employment records, or refusing to pay premiums when due, the employer is subject to a \$50,000 fine, 10 years in prison, or both.

If you have an injury and find out that your employer does not have proper workers' compensation coverage, you may pursue any or all of the following:

- a) If funds are available, you may request benefits from the uninsured employers fund. Contact the Division for details.
- b) You may also enter into an agreement with the Division to allow it to pay to you any funds for benefits it may collect from your employer. The employer's liability under this option may not exceed \$50,000.
- c) You may also pursue a damage action directly against your employer.
- d) You may sue your employer for failure to have workers' compensation insurance. This legal action is brought directly against your employer for the amount of compensation you would have received if your employer had been properly insured.
- e) You may pursue any other civil remedy provided by law.

You would be well advised to consult an attorney if you wish to consider c, d, or e above.

SUBSEQUENT INJURY BENEFITS

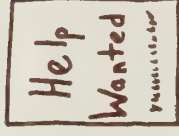
WHAT CAN I DO WHEN I FIND IT DIFFICULT TO OBTAIN A JOB BECAUSE OF A MEDICAL HANDICAP?

If you are vocationally handicapped because of an industrial or some other injury and you are having a difficult time finding employment, it may be to your advantage to become certified by the Division for subsequent injury benefits. This program is designed to provide employer incentives to hire medically handicapped workers by limiting the employer's risk liability in the event you have an industrial accident.

Your first step is to complete and submit an application to the Division. Once you are "certified," show your prospective employer your certification card, as he must notify the Division that you have been hired.

The Subsequent Injury Fund does not change the workers' compensation benefits available to the "certified" person in the event of a job related injury. It only provides a method where the liability of the employer is reduced and a substantial part of benefits can be paid from a special fund.

If you need an application, send in the card attached to this publication.



This publication is prepared and distributed by the Montana Division of Workers' Compensation and is intended to provide information to injured workers in Montana about workers' compensation benefits.

FOR MORE INFORMATION CONTACT:

Insurance Compliance Bureau
Montana Division of Workers' Compensation
5 South Last Chance Gulch
Helena, Montana 59601
(406) 444-6530

The information contained in this publication applies to accidents occurring on or after July 1, 1987. Injuries before this date are compensated according to the law in effect at the time of the injury.

12,000 copies of this public document were published at an estimated cost of 16¢ per copy, for a total cost of \$1,937.00 which includes \$1,692.00 for printing and \$245.00 for distribution.



Grizzly Bear

Ursus arctos horribilis



For 50,000 years the grizzly bear has roamed the American continent, though in the contiguous United States it now occupies but 1% of its former range and its population is now fewer than 1000 bears down from the 100,000 or more of pre-Columbian America.

Dubbed "grizzly" or silvertip because its guard hairs are often paler at the tips, this omnivore ranges in size from 300 to 1000 pounds, and adults can consume as much as eighty pounds of food in one day. Ninety percent of its diet consists of plants.

Because this powerful and resourceful animal is the very embodiment of the American wilderness, Montana's school children voted it our state animal and then secured that official designation in statute passed by the 1983 legislature.

Please send me an application for:

Please check

- ☐ CLAIM FOR COMPENSATION
- ☐ SUBSEQUENT INJURY BENEFITS

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

Place
Stamp
Here

INSURANCE COMPLIANCE BUREAU
DIVISION OF WORKERS' COMPENSATION
5 SOUTH LAST CHANCE GULCH
HELENA, MONTANA 59601